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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JEFFREY T. MILLER)

UNITED STATES OF AMERICA,

Plaintiff,

V.

MANLEY SMITH (2),

Defendant.

Case No.: 08cr1969-JM

Date: September 12, 2008

Time: 1:30 p.m.

**DECLARATION OF MANLEY
SMITH IN SUPPORT OF MOTIONS
TO SUPPRESS**

I, Manley Smith, declare:

1. I am the defendant in the above-captioned case and make this declaration in support of a motion filed by my attorney.

2. I was arrested on June 1, 2008 at my office by several Border Patrol agents.

3. Upon entering the offices and while arresting me, I could see that each of the officers held a firearm in one hand, with the weapon at their side pointing downward toward the ground.

4. One agent yelled at me not to move in a loud voice.

5. Agents grabbed me and pushed me face down on the desk.

6. I could feel hands on the back of my neck and back.

7. The agents yanked my arms strongly behind my back when handcuffs were put in place.

1 8. I was taken to another building on the Border Patrol grounds by the same three
2 officers, in handcuffs.

3 9. I was left handcuffed alone in a small room for approximately 40 minutes, after
4 which time I was taken to another small room where my handcuffs were changed and I was re-handcuffed
5 to a cinder-block on the floor.

6 10. I remained handcuffed to the cinder-block in that room through and until I was
7 questioned by two agents on videotape, which my attorney informed me began at approximately 5:47 p.m.

8 11. Prior to that questioning, and while handcuffed to the cinder-block, the
9 undercover agent in the case entered the room three to four times and each time asked me if I was ready to
10 tell the truth, ordered me to state what was going on and to admit I was a part of it.


11 12. Nobody else was present in the room with me and the undercover agent.

12 13. During the undercover agent's last two trips into the room, and in response to the
13 undercover agent's statements and questions regarding the events at the Border Patrol compound earlier
14 that day, I made statements.

15 14. I was never given any Miranda warnings before making any statements to the
16 undercover agent.

17 15. I served in the Marine Corps from 1987, upon my enlistment, through 1996, when
18 I was honorably discharged.

19
20 I declare under penalty of perjury that the foregoing is true and correct, executed on September 8, 2008, in
21 San Diego, California.

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24 MANLEY SMITH
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 08CR1969-JM
v.)	
)	CERTIFICATE OF SERVICE
MANLEY SMITH (2),)	
)	
Defendant.)	
_____)	

Counsel for Defendant certifies that the foregoing pleading, is true and accurate to the best of his information and belief, and that a copy of the Defendant's Declaration in Support of Motions to Suppress has been electronically served this day upon:

W. Mark Conover
Assistant U.S. Attorney
880 Front Street
San Diego, CA 92101

Dated: September 8, 2008

/s/ Jason I. Ser
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